



**COMMITTEE ON ELECTIONS, RULES, ORDINANCES, ORDERS AND
CLAIMS
OCTOBER 5, 2009
Minutes**

*Councilor Michael Bardsley, Chair
Councilor Robert Reckman
Councilor David Narkewicz*

Chairman Michael Bardsley called the meeting to order at 6:00 p.m.

ORDINANCES:

- **Amend 312-67 A keep right sign be installed in the locations listed (Route 9/Look Park) (Referred by City Council June 5, 2008, PENDING)**
- **Amend 312-112 A One-Way Street sign be installed at the locations listed (Route 9/Look Park) (Referred by City Council June 5, 2008, PENDING)**
- **Amend 312-113 A yield sign be installed at the locations listed (Route 9/Look Park) (Referred by City Council June 5, 2008, PENDING)**

The above three Ordinances are continued.

- **Ordinance - Amend §350-3.4 & Attachment 1:1 Rezone Residential Areas of Watershed Protection (WP) to Special Conservancy and Drop WP in Areas Outside of Floodplain (Referred by City Council July 9, 2009 to Committee on Elections, Rules, Ordinances, Orders and Claims, to Planning Board, and to Economic Development, Housing and Land Use) CONTINUED FROM SEPTEMBER 14, 2009**

Councilor Reckman reported that the Committee on Economic Development, Housing and Land Use voted this afternoon to recommend the Ordinance to the full City Council. Carolyn Misch had explained to that Committee that there will be a public hearing and all property owners will be notified by mail. (See memo of October 5, 2009 attached)

Councilor Narkewicz moved to continue the Ordinance review until completed in Planning Board; Councilor Reckman seconded. The vote passed unanimously (3-0).

APPROVAL OF MINUTES – September 14, 2009

Councilor Reckman moved approval of the minutes; Councilor Narkewicz seconded. The vote passed unanimously (3-0).

NEW BUSINESS –

Councilor Bardsley referred to Council Rules of 2006-2007 and series of incidents regarding members of public criticizing city employees heavily. A complaint was filed with Mr. Newman and the ACLU, which led to discussions and resulted in a redraft to the current language. The distinction between public employees and other employees is important. The Council cannot control or regulate on civility, but could eliminate public comment.

City Solicitor Elaine Reall told the Committee that she has researched approximately 60 communities and most do public comment as a courtesy, most request that public comment stick to agenda items, and request public not to be inflammatory in statements.

Mary Kasper, 106 High Street, Florence, spoke to the Committee about her concerns regarding public comment. She stated that she has also researched this for her own knowledge. She stated that the City of Boston has no public comment period. Cambridge limits public comment with “no personal or rude remarks”. She stated there should be guidelines and rules of decorum, not disrespectful, not antagonistic to a board. She stated that the Northampton City Council rules regarding public comment are “really scant”. There needs to be a wider range of interpretation.

Councilor Bardsley stated the rules are worth reconsidering. Councilor Reckman stated that there is a wide range of reasons to discuss this issue. He noted that there might be limits on time.

Ms. Kasper said that the three-minute limit is not unique, but in looking at 25 different communities, she found different rules for public comment as input for the council. She stated that Northampton’s should not be a soapbox for anything.

Councilor Bardsley stated that a discussion has already begun in this Committee regarding Best Practices and the public comment session could be specific to agenda items.

Councilor Reckman stated that this Committee is recommending changes to look at in the order of business, public comment, and suggested this previously to make public comment specific to agenda items.

At 6:38 p.m., Councilor Reckman moved to adjourn and was seconded by Councilor Narkewicz. The vote passed unanimously (3-0).

Next meeting is November 9, 2009 at 6:00 PM.

*Respectfully Submitted,
Mary L. Midura
Executive Secretary*



PLANNING AND DEVELOPMENT • CITY OF NORTHAMPTON

planning • conservation • zoning • northampton GIS • historic • community preservation • central business architecture

Carolyn Misch, AICP, Senior Land Use Planner • CMisch@NorthamptonMA.gov • 413-587-1287

TO: Economic Development Housing & Land Use Committee
FROM: Carolyn Misch and Wayne Feiden
RE: Further detail on SC & WP and associated local, state and federal regulations
DATE: October 5, 2009

Committee members requested additional analysis of the lots affected as follows:

1. Simplify reasons for zoning change into a "bulleted" list.
2. Provide % of land and land area that would have regulatory restrictions eliminated (those areas that currently are WP and would not be WP due to zone change that would shrink back to the mapped FEMA 100 year flood plain.
3. Identify % of land proposed to change to SC that is city owned
4. Identify % of lots with frontage that would change that might be affected.
5. Identify the % of back land
6. Clarify zoning naming convention (WP vs. WSP)

Goals for changing Watershed Protection overlay to Special Conservancy:

- Ensure that all residential uses within the FEMA mapped 100 year floodplain are treated/regulated consistently throughout the city.
- Establish consistency with the Sustainability Plan - development should be directed to parcels that do not have environmental constraints such as wetlands or floodplains. New residential development should not be allowed in floodplains.
- Simplify permitting process for existing uses in floodplains, by eliminating the Planning Board special permit.
- Simplify zoning classifications by creating one floodplain zoning for residential uses and one for business uses.

Results of changes for the proposed WP:

1. 2,465 acres of land that are currently within the WP overlay.
2. 1,836 acres or 75% going to SC.
3. 454 acres or 18% of the land will have restrictions eliminated/pulled back due to mapping for 100 year FP only.
4. 175 acres or 7% would remain as is with an overlay, but name change to FP (floodplain) label. Represents the acreage with underlying business zones.
5. 197 acres or 10% of remaining SC with frontage is owned by city (not including back land, Fitz Lake etc, Look Park)
6. 13 Acres of remaining SC with frontage is Beaver Brook Golf Course
7. ~140 Acres (8%) of SC with frontage is Allard Farms land along Meadow Street.
8. ~10 Acres (1/2%) of remaining SC with frontage is on Coles Meadow Road.
9. ~27 acres (1.5%) of remaining SC with frontage is on lower Kennedy Rd
10. The remaining 80%+ is back land along river corridors or along land that is already developed and therefore existing structures would see a reduction in regulatory oversight for changes.

Nine

Planning Board

§350-3.4 & attachment 1:1

Rezone Watershed Protection (WP) to Special Conservancy (SC)

§350-3.4—Zoning Map

{Amend the Northampton Zoning Map to:

1. Rezone the following areas to Special Conservancy (SC): ALL residential zoning districts (RR, SR, URA, URB, and URC) currently within the Watershed Protection (WP) overlay that are within the Federal Emergency Management Agency (FEMA) mapped 100 year and 500 year floodplain or apparent floodplain; and
2. Drop Watershed Protection (WP) overlay from the areas described above; and
3. Drop Watershed Protection (WP) overlay from the areas that are NOT within the FEMA mapped 100 year or 500 year floodplain or apparent floodplain;

All as shown on the attached plan. The map on the following page is to inform the regulated community of the area where these zoning changes will occur. The actual changes will be based on revisions following the rules outlined above}

§350-3.4—Attachment 1:1 Table of Use Regulations

{Insert footnote symbol for Watershed Protection (WP) row and for every Special Conservancy (SC) column. At bottom of each page in Table, insert the following after the same footnote symbol:}

Flood Elevation Certificates are required prior to any Building Permit and any Certificate of Occupancy for all substantial improvements as defined by the Federal Emergency Management Agency (any rehabilitation, addition, or other improvement of a building when the cost of the improvement equals or exceeds 50 percent of the market value of the building before start of construction of the improvement).

{Make the following change to the table itself:}

Principal Use	Residential					
	RR	SR	URA	URB	URC	
Work in Watershed Protection <u>FEMA Mapped 100 year Floodplain (WPFP) Overlay District</u> Only if use is otherwise allowed by zoning. See § 350-14.						
New commercial structures or substantial improvements in WPFP , meeting all requirements under the State Building Code, Wetlands Protection Act, and city ordinances.	<u>PB NA</u>	<u>PB NA</u>	<u>PB NA</u>	<u>PB NA</u>	<u>PB NA</u>	

| All other references to WP in attachment 1 to be changed to FPNo other changes to
Attachment 1:1

| Throughout entire Zoning Ordinance change all references to WP and Watershed Protection
to FP or Floodplain accordingly.